

# **PUBLISHING THE DECISIONS OF ASSESSMENT AND REVIEW SUB-COMMITTEES**

**Report By: Assistant Chief Executive - Legal and Democratic**

## **Wards Affected**

County Wide.

## **Purpose**

1. To establish a policy for publishing decisions of the Assessment and Review Sub-Committees.

## **Financial Implications**

2. None.

## **Recommendations**

3. THAT:
  - (a) **The Sub-Committee includes a policy for publishing the decisions of the Assessment and Review Sub-Committees in its guidance for Herefordshire, taking account of the requirement to protect the identity of subject members under certain circumstances, and subject to the requirements of Freedom of information and Data Protection legislation.**

## **Background**

4. The guidance for publishing assessment and review decisions is set out on Page 22 of the Standards Board for England publication "Local Assessment of Complaints", and is appended to this report. It is awaiting detail and clarity on some points, and there is merit in establishing a more detailed and robust local policy, therefore.
5. The guidance states that a written summary must be produced after assessment or review, which includes the main points considered, the conclusions on the complaint, and the reasons for the conclusion. It also states that the name of the subject member may be given, unless doing so is not in the public interest or would prejudice any subsequent investigation.
6. The written summary must be made available for public inspection for six years, and given to the subject member, and any parish or town council concerned.

7. Members may wish to consider whether the decisions should form part of a public register, or be available on the Council's website. Consideration must also be given to requirements under Freedom of Information and Data Protection legislation.
8. There are some areas of concern relating to making the subject member's name publicly available. Specifically, if a Sub-Committee decides that no further action is required about a complaint, then it would not be in the public interest to publish a name, because the member concerned will not have been found to breach the Code of Conduct. Equally, if a Sub-Committee decides that an investigation is required, then naming a member at that stage might prohibit or hinder the fairness of an investigation. In such instances, the Standards Committee might wish to publish the Complaint Reference Number only, and not the name of the subject member.
9. It is considered that it would be in the public interest to publish the name of a subject member in instances where a breach of the Code of Conduct is found. Post investigation of hearing, this might also involve changing a previously anonymous published decision of a Sub-Committee.

### **Risk Management**

10. Establishing a Herefordshire policy on publishing decisions is essential to ensure a robust and effective mechanism for complying with the appropriate legislation.

### **Background Papers**

- Standards Committee (England) Regulations 2008 (Regulation 8 refers)

### **Appendices**

- Pages 22-23 of SBE guidance "Local Assessment of Complaints"